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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION ON CIVIL RIGHTS  
DCR DOCKET NO.:AP05HB01561

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	:	<b><u>CONSENT ORDER</u></b>
IN THE MATTER OF:	:	
	:	
CLEARVIEW CINEMAS	:	
	:	

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**WHEREAS**, the Attorney General of the State of New Jersey (Attorney General) and the Director of the New Jersey Division on Civil Rights ("Director") are charged with the responsibility of enforcing the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. (LAD), and all regulations promulgated thereunder N.J.A.C. 13:13-1.1 et seq.; and

**WHEREAS**, the Division has identified issues involving the interest of the deaf and hard of hearing at places of public accommodations owned or operated by CCG Holdings, Inc., known as Clearview Cinemas ("Clearview") and Clearview is willing to cooperate with the Division to address those issues; and

**WHEREAS**, the parties have reached an amicable agreement resolving any and all issues in connection with potential violations of the LAD and its regulations;

NOW, THEREFORE, it is on this \_\_\_\_\_ day of September, 2004,

AGREED AND ORDERED as follows:

#### **DEFINITIONS**

1. As used in this Consent Order, the Rear Window Caption System (RWC) is a system, which displays reversed captions on a light-emitting diode (LED) text display, which is mounted in the rear of a theater. Deaf and hard-of-hearing patrons use transparent acrylic panels attached to the seats to reflect the captions so that they appear superimposed on the movie screen. The reflective panels are portable and adjustable, enabling the caption user to sit anywhere in the theater.

2. As used in this Consent Order, the DVS Technical System (DVS) is a system, which delivers descriptive narration via infrared listening systems, enabling blind and visually-impaired moviegoers to hear the descriptions on headsets. The descriptions provide narrated information about key visual elements such as action settings, and scene changes, making movies more meaningful to people with vision loss.

#### **BUSINESS PRACTICES**

3. By entering into this Consent Order, the parties

agree that there are no admissions of liability or wrongdoing or findings of liability or wrongdoing under the LAD and its regulations.

4. Within ninety (90) days from the effective date of this Agreement, Clearview agrees to install RWC and DVS systems at one screen at its Hackettstown-Mansfield Cinema 14 theater located at 1965 Rt. 57, Hackettstown, New Jersey.

5. Within ninety (90) days from the effective date of this Agreement, Clearview will install RWC and DVS systems at one screen at its Kinnelon 11 theater, located at 25 Kinnelon Road, Kinnelon, New Jersey.

6. Clearview will maintain the RWC and DVS systems currently installed at one (1) screen its Morristown Headquarters Theater 10, located at 72 Headquarters Plaza, Morristown, New Jersey.

7. Within ninety (90) days from the effective date of this Agreement, Clearview will install RWC and DVS systems at one (1) screen at its Middlebrook Galleria Cinema, located at Middlebrook Shopping Center, Ocean township, New Jersey.

8. Clearview will maintain the RWC and DVS systems currently installed at one (1) screen at its Parsippany Cinema 12 theater, located at 3165 Route 46 East, Parsippany, New Jersey.

9. Within ninety (90) days from the effective date of

this agreement, Clearview will install RWC and DVS systems at one (1) screen at its Succasunna Cinema 10, 21 Sunset Strip, Succasunna, New Jersey.

10. Clearview agrees to install RWC and DVS systems at one (1) screen at all newly constructed or acquired theaters in New Jersey with at least ten (10) screens. If the theater has more than fifteen (15) screens, Clearview will install an additional RWC and DVS system.

11. Immediately upon the installation of the RWC and DVS systems identified in paragraphs 4, 5, 7, and 9 of this Consent Order, Clearview will provide notice of the scheduled movies for which RWC and DVS is available in newspaper ads placed by Clearview, telephone advertisements, its own website, any other website Clearview utilizes and controls to advertise movies, and any other form of advertisement Clearview utilizes and controls. As to those theaters for which such systems are already installed, within 30 days from the effective date of this Consent Order, Clearview will provide notice of the scheduled movies for which RWC and DVS is available in newspaper ads placed by Clearview, telephone advertisements, its own website, any other website Clearview utilizes and controls to advertise movies, and any other form of advertisement Clearview utilizes and controls.

12. Notwithstanding any of the foregoing provisions requiring installation of RWC and DVS systems within ninety (90)

days of the effective date of this Consent Order, if such installation is not completed within ninety (90) days from the effective date of this agreement through no fault of its own, including but not limited to delays engendered by the manufacturer or installer of the system, Clearview shall notify by facsimile and regular mail the following individual as to the delay and the reason for the delay. Otherwise, failure to comply with the provisions of the Consent Order shall be deemed a violation of this Order.

Notice by facsimile and regular mail should be sent to:

Anne Marie Kelly  
Deputy Attorney General  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07010  
Facsimile Number: (973) 648-3879

Clearview shall not be considered to have violated this agreement if such systems are not installed within ninety (90) days of this agreement through no fault of its own and the above-noted notice is provided.

13. Clearview will maintain a minimum of ten (10) seat reflector screens for each RWC and DVS systems installed in their, theaters under this Consent Order.

14. Within thirty (30) days of the effective date of this Agreement, Clearview shall develop and post a written notice prominently displayed in its box office, in the theater and on the

screens in the theater with RWC and DVS, informing its patrons that RWC and DVS systems are available at a specific screen, with instructions as to how to access these systems.

15. Clearview shall designate one (1) individual and an alternate at each theater to monitor that the RWC and DVS systems are in operating condition.

16. Clearview shall train a sufficient number of employees to enable patrons to use of the RWC and DVS systems, including but not limited to Clearview's ushers, sales representatives, cashiers.

17. At its theaters in New Jersey, Clearview will provide the Attorney General with opportunities to have the Attorney General's public service announcements played on the movie screens prior to the showing of movies at no cost to the Attorney General, up to a value of \$60,000.00, calculated at Clearview's standard rates for such services.

### **GENERAL ASSURANCES**

18. This Consent Order will become effective as of the date that all parties have signed it.

19. If Clearview fails to comply with the provisions of this Consent Order, each failure to comply shall be deemed a violation of the LAD for which Clearview shall be liable for penalties pursuant to N.J.S.A. 10:5-14.1a.

20. This Consent Order shall bind the parties and shall be binding on any and all future purchasers, inheritors or other successors in the interest of Clearview.

21. In the event technology is developed superior to the RWC and DVS systems, or for other good cause, either party may move to renegotiate the terms of this agreement.

22. The parties agree that for purposes of enforcement of this Consent Order, New Jersey law shall govern the terms and provisions herein.

23. This Consent Order constitutes the entire agreement between the parties hereto and shall bind the parties hereto and their respective officers, directors, agents, representatives, employees, successors and assigns.

24. The parties represent that an authorized representative of each has signed this Consent Order with full knowledge, understanding and acceptance of its terms and that this person has done so with authority to legally bind the respective

party.

25. Any amendments to this Consent Order must be in writing and signed by all parties to be bound.

26. This Agreement shall constitute a Final Agency Order and is effective upon filing.

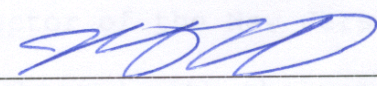
NEW JERSEY DIVISION ON CIVIL RIGHTS

By:   
J. FRANK VESPA-PAPALEO, ESQ.  
DIRECTOR

Dated: 9/10/04

I have read the above Consent Order, understand it and hereby agree to be bound by its terms. Consent as to the form and entry of this Order.

CCG Holdings, Inc.

By: 

Name: Morton Gotterup

Title: S. V. P. & G. M. Clearview Cinemas

Dated: 9/7/04